



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

November 9, 2004

Rose

Mayor Lowry called the meeting to order at 7:30 pm.

PRESENT: Mayor Chuck Lowry, Councilmembers Betty Heckendorn, John Rose, Tom Robinson, Aaron Sharp, Judee Wells.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Water Department Supervisor Bob Durr.

GUESTS: Rick Leider, WABA; Karen Goroski, Suburban Cities Association.

MINUTES: Councilmember Heckendorn moved to approve the October 12, 2004 minutes as written. Councilmember Sharp seconded.

Vote: 3 For (Heckendorn, Sharp, Robinson), 0 Against, 2 Abstain (Rose, Wells). Motion carried.

CLERK'S REPORT: Clerk-Treasurer Spens reported that she provided copies of the 3rd Quarter Treasurer's Reports to Councilmember Rose for review. Councilmember Rose asked that the record reflect that he has reviewed these reports and found them to be in order.

BOUNDARY-LINE ADJUSTMENT: Clerk-Treasurer Spens reported that Jim and Julie Finnell have submitted a preliminary sketch of a proposed boundary-line adjustment along the property line they share with Barlow and Grace Day and are asking the Council for a preapplication review as specified in Section 6 of The Town's Subdivision Ordinance 288, which states: *Any person seeking approval of a short subdivision, boundary line revision or lot combination shall be encouraged to request a preapplication review with the Council. The purpose of such a session shall be to permit the potential applicant to receive unofficial review of his general short subdivision, boundary line revision or lot combination proposal before the applicant has made any substantial financial commitments. Such preapplication review shall not be construed to bind either the applicant or the Town in any respect.* After a brief review and discussion, it was the consensus of the Council that the boundary line adjustment proposed by the Finnells appears to comply with the Town's Subdivision Ordinance and that Clerk-Treasurer Spens should notify the Finnells of this determination.

NEW STREET SIGNS: Clerk-Treasurer Spens reported that the Bellevue Fire Department and the King County Sheriff's Office have looked at our new street signs and provided some written feedback on them. It was the consensus of the Council to delay discussion of the new signs until later in this meeting.

LAND USE INFORMATION: Clerk-Treasurer Spens reported that a recent Association of Washington Cities (AWC) mailing included a document titled “Ten Tips for Avoiding Land Use Claims” and asked the Council if copies should be circulated to members of the Planning Commission and Board of Adjustment. It was the consensus of the Council that copies should be circulated.

ONE-CALL NOTIFICATION SYSTEM: Clerk-Treasurer Spens reported that she has completed the paperwork for participating in the Washington Utilities Coordinating Council’s One-Call Notification service and that when she finds an appropriate map to include with our documentation, she will have either Mayor Lowry or Water Department Supervisor Durr sign the form so she can notarize it.

FRANCHISE WITH EASTSIDE DISPOSAL: Clerk-Treasurer Spens asked if either Councilmember Robinson or Bob Durr had learned anything more about changing our existing franchise with Eastside Disposal. Mr. Durr answered that our next step is to check with the Washington State Utilities and Transportation Commission to review the rules that apply to a town of our size. Councilmember Robinson added that his main concern in requesting a review of the existing franchise was to get an additional yard-waste container for his home. He noted that he recently learned that residents can purchase additional containers, mark them clearly as “Yard Waste”, and leave them out on yard-waste pick up days for collection.

WARRANTS: Councilmember Heckendorn moved to approve the November 9, 2004 warrant list, including warrant numbers 6544 through 6568 in the amount of \$60,781.64. Councilmember Robinson seconded.
Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

MARSHAL’S REPORT: No report.

WABA REPORT: WABA President Rick Leider reported that WABA has convened a History Committee to replace the single-person Historian position formerly filled by Anne Rutledge. He explained that this committee will include four or five members and that so far Helen Lewis, Sylvia Hobbs, and Barbara Welsh have agreed to serve on the committee. He added that the history archives would be stored at Gordon Roberts’ house.

Mr. Leider reported that WABA’s expenditures are running very close to budget this year and they do not anticipate a need to amend their budget. In addition, he reported that Dockmaster David Dempster anticipates that moorage rates will remain unchanged for next year. He noted that the court has set a date to hear WABA’s case in the Solaro matter in January of 2006 and that the lawsuit, if it goes forward, will likely result in a special assessment to WABA members to cover the costs.

Mr. Leider announced that the Christmas Ship is scheduled to visit the Beaux Arts Beach on December 19, 2005 and that WABA will hold their Winter Dinner on January 22, 2005.

WATER REPORT: Water Department Supervisor Durr reported that in the past month, Bill Beck repaired the float switch in the tank again and Pumptech installed the new wellhead pump. He noted that when the old pump was removed, the contractor performing the work commented that it appeared to be in very good shape considering its years of service. Councilmember Heckendorn asked about what influences the expected life of a pump in such service. Mr. Durr answered that pumps in cold-water service, such as ours, tend to last longer than those in hot-water service and that sand or other sediment can reduce pump life. He added that we do not have problems with sand or other sediments in our well. He explained that based on these factors we can expect this pump to last beyond its rated life of 20 years.

Mr. Durr also reported that he, Superintendent Bill Beck, and Clerk-Treasurer Spens are looking into why last month's water bill from the City of Bellevue was so high. He noted that no significant leaks have been detected in the system and customer usage alone was not high enough to explain the volumes for which the Town was charged. Clerk-Treasurer Spens added that a quick review of Bellevue's water invoices for the last year showed that we have not been billed for water usage for a long time.

EMERGENCY PREPAREDNESS: Nothing to report.

DISCUSSION WITH KAREN GOROSKI, NEW DIRECTOR OF THE SUBURBAN CITIES ASSOCIATION (SCA): Mayor Lowry introduced Karen Goroski, the new director of the Suburban Cities Association. Ms Goroski started by giving a brief history of the SCA noting that it originally began as a social and networking association. She explained that as the population of the Puget Sound region grew and Seattle and King County became the predominant forces in the region's governance, the SCA stepped up to help the smaller cities retain their voice in local governance issues. She noted that this second role has become SCA's primary focus.

Ms. Goroski then described proposed changes to the SCA bylaws that would make SCA's model look more like that used by the Association of Washington Cities, including a new Public Issues Committee that will comprise 37 seats and promises to be a very diverse group.

Ms. Goroski closed the discussion by asking that Beaux Arts send a representative from the Council to the SCA Annual Meeting on Wednesday, November 17 from 5:30 to 8:45 pm. Mayor Lowry noted that he will be out of town on that date and asked if any Councilmembers are available. Councilmember Rose answered that he will try to attend.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 326 ADOPTING AN UPDATED COMPREHENSIVE PLAN: Mayor Lowry opened the public hearing at 8:30 pm reminding Councilmembers that this was a continuation of the review they started last month.

Councilmember Rose asked if the Comprehensive Plan should include something about the shared-wall concept that he has asked the Council to cause to be studied. Councilmember Wells suggested that such changes should wait until the study of the concept is completed. As the Council continued its page-by-page review, Clerk-Treasurer recorded the proposed

changes in wording on a copy that she will forward to Town Planner Mona Green for updating. Mayor Lowry closed the public hearing at 9:00 pm.

MOTION: Councilmember Rose moved to pass Ordinance No. 326 amending Ordinance No. 242 and Ordinance No. 293 and adopting the Town's Updated Comprehensive Plan.

Councilmember Heckendorn seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

MEMO FROM THE PLANNING COMMISSION REGARDING ZONING CODE CHANGES RELATED TO BUILDING HEIGHT, EXISTING GRADE, AND

LANDSCAPE FEATURES IN THE SETBACKS: Mayor Lowry reported that he had passed on some of the Council's earlier clarifications particularly with regard to the revised height restrictions the Planning Commission is contemplating.

Councilmember Wells asked how much a topographic survey costs and if that was a cost-prohibitive restriction for some owners. After additional discussion, it was the consensus of the Council that adding a requirement for a topographic survey to establish existing grade was okay provided repairs to foundations were exempted.

Councilmember Rose asked if height flags would be required if the proposed structure was only 20 feet tall. After additional discussion, it was the consensus that height flags should only be required when an owner seeks a variance to the height restriction.

It was also the consensus of the Council that the permanence or non-permanence of landscape structures in the setbacks seems irrelevant since some permanent structures, e.g. water features in the ground constructed of concrete, are far less obtrusive than other non-permanent structures, e.g. wood arbors.

Further, it was the consensus of the Council that additional discussion of these issues would be more productive if conducted with one or more members of the Planning Commission in attendance so that the inevitable questions that arise during such discussions could be answered.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 327 SETTING THE 2005

LEVY: Mayor Lowry opened the public hearing at 9:30 pm.

Councilmember Rose stated that the maximum levy amount allowed without a vote for 2005 is \$122,715, as stated in the Levy Worksheet provided by the King County Department of Assessments. He added that someday the Town will have used up its remaining reserves and will have to ask residents to approve a ballot measure increasing the levy by more than the 1% statutory limit. He noted that thanks to healthy building-permit revenues and the related sales tax revenues "someday" had been pushed further into the future.

Councilmember Robinson stated that he supports a maximum levy increase as the prudent course of action.

Councilmember Rose asked why the Town could not levy the \$124,369 amount derived on the King County worksheet using the Implicit Price Deflator. Clerk-Treasurer Spens answered that she thinks the Town is restricted to the lower of the two levy figures, but suggested that the Council amend the levy ordinance to levy the higher figure since the deadline for passing this ordinance is December 3, 2004. She explained that King County would collect the levy amount requested by the Council provided that amount does not exceed statutory limits, i.e. if the Town is allowed to levy the higher dollar amount, that is what the County will collect on our behalf; otherwise, the County will amend our levy figure down to the statutory limit and collect no more than what state law allows. Mayor Lowry closed the public hearing at 9:45 pm.

MOTION: Councilmember Robinson moved to pass Ordinance No. 327 authorizing an increase in the property-tax levy and setting the amount of taxes to be levied on property in the Town of Beaux Arts Village for the year 2005 at \$124,369. Councilmember Wells seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried

MOTION: Councilmember Rose moved to strike the fourth “Whereas” clause regarding Initiative #747 from Ordinance No. 327. Councilmember Wells seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried

PUBLIC HEARING: PROPOSED 2005 BUDGET: Mayor Lowry opened the public hearing at 9:45 pm and asked Clerk-Treasurer Spens about changes made to the budget worksheets since last month’s meeting.

Clerk-Treasurer Spens reported that she and Councilmember Rose had reviewed the worksheets primarily with an eye toward meeting the budget goals stated at last month’s meeting, particularly balancing the budget (annual revenues equal to annual expenditures). She noted that she and Councilmember Rose agreed on several key revisions to the preliminary budget sheets to accomplish these goals including: increasing anticipated sales-tax revenues and investment interest to a less conservative expectation and reapportioning the Clerk-Treasurer’s salary between the General Fund and the Water Department Fund to a more realistic split (8hrs/wk to be charged to the Water Dept Fund; the remaining 17 hrs/wk to the General Fund).

Councilmember Sharp asked that the Street Fund budget be increased to include \$2,000 for crosswalks on 104th Ave SE and 105th Ave SE and \$500 for the materials that may be needed to correct the new street signs. He also asked that the 2004 amended budget include an additional \$2000 for tree maintenance. He noted that he would continue to review the budget over the next few weeks and submit any additional budget requests to Clerk-Treasurer Spens for inclusion in the 2005 Budget to be adopted in December.

Mayor Lowry closed the public hearing at 10:05 pm.

PROPOSED ORDINANCE NO. 328 EXTENDING THE EXISTING FRANCHISE AGREEMENT WITH COMCAST: Clerk-Treasurer Spens reported that this ordinance is

eligible for passage this month and extends the existing Comcast franchise for another five years.

MOTION: Councilmember Robinson moved to pass Ordinance no. 328 extending the existing franchise with Comcast for TV and high-speed data services for a period of five years. Councilmember Rose seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

MAYOR AND COUNCILMEMBER REPORTS:

CELL PHONE RECEPTION: Councilmember Robinson expressed concern about the cell-phone reception he experiences in Town. Councilmember Wells commented that she gets good local coverage using Cingular.

Councilmember Robinson reported that Walla Walla County is fully wi-fi and suggested that the Town investigate the cost of providing wireless Internet access to residents.

STREET SIGNS: Councilmember Sharp reported that both the Bellevue Fire Department and the King County Sheriff's office have commented on the new street signs with mixed reviews. He explained that while both groups agree that their personnel should be able to respond to an emergency without the signs creating confusion, they could see how someone who might be responding without the on-board maps they (Bellevue and King County) carry could misconstrue the house logo as an arrow. He stated that he has studied the challenge of the street signs further, in light of these comments, and that at this point he thinks the Town should either remove the logo completely or emphasize the roof peak to expand the "X" at the top of the house. He added that he would like to make some exploratory samples incorporating these changes and then ask the original committee members to help him determine the best solution to this dilemma.

FALL CLEAN-UP: Councilmember Wells asked Mayor Lowry to thank Robin Stefan in writing for the wonderful work she and the Clean-Up Crew Captains accomplished at the Fall Town Cleanup. She explained that she and Robin have developed an Adopt-a-Tree program for planting trees on Town ROWs, where a neighbor must agree to water and care for the tree until it is established in order for a tree to be planted on a ROW near their home. She also reported that no one has volunteered to be on the tree committee yet.

SHARED-HOUSING COMMITTEE: Mayor Lowry asked the Council to confirm the following residents to a committee to study the feasibility of shared-wall housing in the Town: Lynn Hall, Joann Bromberg, John Sharp, John Chihak, and John Rose.

Councilmember Wells asked Mayor Lowry if he felt this group would fully explore the pros and cons of this idea – particularly if they are all in support of it from the beginning. Mayor Lowry answered that he believes most, if not all, of the group have no preconceived notions about the feasibility of this idea for our Town.

MOTION: Councilmember Rose moved to confirm the named members of the Committee to Study Shared-Wall Housing. Councilmember Robinson seconded.

Vote: 4 For, 0 Against, 1 Abstain (Wells). Motion carried.

BEAUX ARTS SKI CLUB: Councilmember Rose reported that the Beaux Arts Ski Club is planning its Third Annual ski trip to Mission Ridge over the Martin Luther King holiday and asked that a notice about the event be included in the upcoming newsletter.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that their next meeting is scheduled for December 14th at Councilmember Wells' house.

ADJOURN: Councilmember Heckendorn moved to adjourn the meeting at 10:25 pm.
Councilmember Rose seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer